

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JAIME GARCIA, et al.,

*

Plaintiffs,

*

v.

*

Case No.: B-01-103

RONALD D. KIRSTIEN, et al.,

*

Defendants

*

* * * * *

AFFIDAVIT OF HARVEY ROTHSTEIN

I, Harvey Rothstein, solemnly affirm under the penalties of perjury, and upon personal knowledge that the following statements are true:

1. I am over the age of 18 and am competent to testify to the matters stated herein.
2. On March 6, 1995, O'Stein Brothers Limited Partnership No. 4 ("O'Stein Brothers") was formed pursuant to the Maryland Revised Uniform Limited Partnership Act.
3. I was at all relevant times a limited partner of O'Stein Brothers Limited Partnership No. 4.
4. On August 31, 1995, O'Stein Brothers Limited Partnership No. 4 entered into a Stock Purchase Agreement ("Agreement") with Chef Garcia, Inc. ("Chef Garcia" or the "Company").
5. Pursuant to the Agreement, O'Stein Brothers invested in Chef Garcia and provided capital to Chef Garcia and received Common and Preferred Stock in the Company. O'Stein Brothers invested in Chef Garcia in order to assist the

Company with its financial troubles as it was operating on losses for several years.

6. I was at no time an individual investor or stockholder of Chef Garcia.

I solemnly affirm under the penalties of perjury that the contents of the foregoing Affidavit are true based upon personal knowledge, information and belief.

_____/S/_____
Harvey Rothstein

February 9, 2004
Date